

Central Valley Regional Water Quality Control Board

13 November 2018

Kongkeo Khamvongsa
2403 South 61st Street
West Allis, WI 53219

CERTIFIED MAIL:
7018 1130 0001 8556 2695

Alexandra Kensavath
417 E George Street
Banning, CA 92220

CERTIFIED MAIL:
7018 1130 0001 8556 2701

Alexandra Kensavath
1024 E. Commerce Ave
Fresno, CA 93706

CERTIFIED MAIL:
7018 1130 0001 8556 2718

VIA FIRST CLASS MAIL WITH RETURN ACKNOWLEDGMENT

Alexandra Kensavath
417 E George Street
Banning, CA 92220

Alexandra Kensavath
1024 E. Commerce Ave
Fresno, CA 93706

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2018-0529, KONGKEO KHAMVONGSA AND ALEXANDRA KENSAVATH – ASSESSOR PARCEL NUMBER 043-060-018-000, SHASTA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint) issued to Kongkeo Khamvongsa and Alexandra Kensavath (Dischargers) pursuant to California Water Code (CWC) section 13350 for violation of Cleanup and Abatement Order R5-2016-0712 (CAO).

In the Complaint, the Prosecution Team recommends an administrative civil liability in the amount of **one hundred fifty thousand dollars (\$150,000)**.

The Dischargers have a right to a hearing before the Central Valley Regional Water Quality Control Board (Central Valley Water Board) within 90 days of the issuance date of this Complaint. A hearing for this matter has been scheduled for the 7 and 8 February 2019 Board meeting in Rancho Cordova, California. Alternatively, the Dischargers may waive their right to a hearing within 90 days of the issuance date of this Complaint by completing the waiver form (Attachment G). If the Dischargers choose to waive their right to a hearing within 90 days of this Complaint, the completed and signed waiver form must be received by the Central Valley Water Board by **5:00 p.m. on 30 November 2018**. The options included to waive the 90 day hearing requirement are as follows:

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

364 Knollcrest Drive, Suite 205, Redding, CA 96002 | www.waterboards.ca.gov/centralvalley

- 1) Pay the proposed administrative civil liability and waive your right to a hearing (Option #1 on the attached waiver form – see Attachment G). If you choose to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. The settlement will be considered in a 30-day public comment period, during which interested parties may comment on the proposed action by submitting written comments to the Central Valley Water Board staff person listed below. The Central Valley Water Board may choose to hold a hearing on the tentative settlement. Should the Central Valley Water Board receive new information or comments during this comment period and/or at the hearing, the Central Valley Water Board may return any payments received, and issue a final Administrative Civil Liability Order based on information and facts obtained during the comment period and/or hearing. If the Central Valley Water Board does not hold a hearing on the tentative settlement, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.
- 2) Waive the 90-day hearing requirement in order to engage in settlement discussions (Option #2 on the attached waiver form – see Attachment G). If this option is chosen, the Dischargers certify that the Dischargers will promptly engage with the Central Valley Water Board Prosecution Team to enter into settlement discussions. The Discharger reserves the ability to request a hearing in the future. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing, and any proposed settlement is subject the conditions described under option 1.
- 3) Ask that the hearing be postponed for reasons that must be provided (Option #3 on the attached waiver form – see Attachment G). If this option is chosen, the reasons provided by the Discharger to waive the 90 day hearing requirement will be considered, however it remains within the discretion of the Central Valley Water Board to approve the extension.

If the Central Valley Regional Water Quality Control Board (Central Valley Water Board) does not receive a signed waiver by **5:00 p.m. 30 November 2018**, then a hearing will be scheduled for the 7 and 8 February 2019 Board meeting in Rancho Cordova, California. This hearing will be governed by the attached Hearing Procedure, which has been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedure must be received by the Primary Contacts for the Advisory Team and Prosecution Team, whose contact information is listed in the Hearing Procedure, by **5:00 p.m. on 22 November 2018**.

Due to difficulty contacting and forwarding mailing to Alexandra Kensavath, two copies of a Summons and Acknowledgement of Receipt of Summons have been enclosed. Upon receipt, Ms. Kensavath will need to fill out the Acknowledgement of Receipt of Summons and send back to the Central Valley Regional Water Board in the prepaid envelope included.

In order to conserve resources, this letter transmits paper copies of the documents to the Dischargers only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or would like to discuss legal aspects of the Complaint, please contact Heather Mapes, Attorney, State Water Resources Control Board, Office of Enforcement at (916) 341-5163 or at heather.mapes@waterboards.ca.gov. If you have technical questions regarding the CAO, please contact Marisol Gonzalez, Engineering Geologist, Central Valley Water Board, at (530) 224-4204 or at marisol.gonzalez@waterboards.ca.gov.



Clint E. Snyder, P.G.
Assistant Executive Officer
Central Valley Regional Water Quality Control Board, Redding

MAG: ch

Enclosures:

Administrative Civil Liability Complaint R5-2018-0529
Attachment A: Penalty Calculations
Attachment B: Cleanup and Abatement Order R5-2016-0712
Appendix 1: 6 July 2015 Notice of Violation
Appendix 2: 20 March 2015 Inspection Report
Attachment C: 11 August 2016 Notice of Violation
Attachment D: 13 February 2017 Notice of Violation
Attachment E: 25 April 2018 Notice of Violation
Appendix 3: 17 August 2017 Inspection Report
Attachment F: 15 October 2018 Notice of Violation Re-mailing Transmittal
Letter and USPS Proof of Service Delivery Confirmation
Attachment G: Waiver Form for Administrative Civil Liability Complaint
Hearing Procedures
ACL Fact Sheet
Summons and Acknowledgement of Receipt of Summons for Ms. Kensavath

cc via email with attachments:

Patrick Pulupa, Central Valley Water Board, Rancho Cordova
Andrew Altevogt, Central Valley Water Board, Rancho Cordova
Bayley Toft-Dupuy, Office of Chief Counsel, SWRCB, Sacramento
Jessica Jahr, Office of Chief Counsel, SWRCB, Sacramento
Heather Mapes, State Water Board, Office of Enforcement, Sacramento